

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

YAW NKETIA,

Defendant

06 CR 893 (KMK)

NOTICE OF MOTION

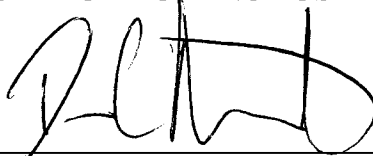
PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and declaration of David Meister, and the exhibits attached thereto, and all prior proceedings had herein, Yaw Nketia, by and through his attorneys Clifford Chance US LLP, New York, New York, will move this Court, before the Honorable Kenneth M. Karas, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on November 5, 2007, or another date and time convenient to the Court, for an order granting him a new trial, pursuant to the constitutional principles of *Brady v. Maryland* and its progeny, and Fed. R. Crim. P. 33, based on the Government's failure to produce previously undisclosed IRS records that, if introduced in evidence at trial, would have resulted in a different outcome. To the extent necessary to resolve any factual disputes, Mr. Nketia requests an evidentiary hearing.

PLEASE TAKE FURTHER NOTICE that oral argument of this motion is requested, and has been scheduled by the Court to take place on November 5, 2007, at 11:30 am, in Courtroom 21-D, United States Courthouse, 500 Pearl Street, New York, New York.

Dated: October 9, 2007

Respectfully Submitted,

CLIFFORD CHANCE US LLP

A handwritten signature in black ink, appearing to read 'DM', is written over a horizontal line.

BY: David Meister (DM-0942)
Jason Spiro (JS-2420)

Attorneys for Defendant Yaw Nketia
31 West 52d Street
New York, New York 10019
(212) 878-8537

To: Todd W. Blanche
Assistant United States Attorney
United States Attorney's Office
Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007